

One of the most successful legislative frameworks for advancing this has been the Bayh-Dole Act. The Bayh-Dole Act, which was enacted in 1980, permits universities, not-for-profit organizations, and small businesses to obtain title to scientific inventions developed with Federal Government support. It also allows Federal agencies to license government-owned patented scientific inventions even nonexclusively, partially exclusively, or exclusively, depending upon which license is determined, to be the most effective means for achieving commercialization.

Prior to the enactment of the Bayh-Dole Act, many discoveries resulting from federally funded scientific research were not commercialized to help the American public. Since the Federal Government lacked the resources to market new inventions and private industry was reluctant to make high-risk investments without the protection of patent rights, many valuable innovations were left unused on the shelf of Federal laboratories.

With its success licensing Federal inventions, the Bayh-Dole Act is widely used as an effective framework for Federal technology transfer. So the process for licensing of government-owned patents should continue to be refined, we believe, by refining the procedures and by removing the uncertainties associated with the licensing process.

So if we can by reducing that and the uncertainty created by existing procedural barriers and by lowering the transactional costs associated with licensing Federal technologies from the government, we could greatly increase participation by the private sector in its technology transfer programs. This approach would expedite the commercialization of government-owned inventions and through royalties could reduce the cost to the American taxpayer for the production of new technology-based products created in our labs.

That is the intention of this bill before us. The goal of H.R. 209 is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federal-patented inventions created in a government-owned, government-operated laboratory by applying the successful Bayh-Dole Act provision to a GOGO.

Under the bill, its agencies would be provided with two important new tools for effectively commercializing on-the-shelf, federally owned technologies, either licensing them as stand-alone inventions under the bill's revised authorities of section 209 of the Bayh-Dole Act, or by including them as part of a larger package under the Cooperative Research and Development Agreement.

In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to

form partnerships with Federal laboratories.

Let me just close by noting that the bill before us represents a bipartisan and bicameral consensus. I am pleased to have worked very closely with Members of the minority, the administration, and the Senate in helping to perfect the bill since it was originally introduced.

I am especially pleased that the administration has issued a Statement of Administration Policy which states that the administration supports passage of H.R. 209, which will significantly facilitate the licensing of government-owned inventions by Federal agencies.

I want to thank the chairman of the full committee, the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership; the ranking member of the Committee on Science, the gentleman from Texas (Mr. HALL), as well as the ranking member of the Subcommittee on Technology of the Committee on Science, the gentleman from Michigan (Mr. BARCIA).

I certainly want to commend the ranking member on the committee. I also want to commend some members of the other body, Senators ROCKEFELLER, FRIST, HATCH, and LEAHY for their input and for their support in helping to refine the legislation.

I look forward to the President's signature of this important bill into law.

I want to point out that staff also helped enormously. Barry Berringer, Jim Turner, Jeff Grove, and Ben Wu especially worked very hard on this.

The Federal laboratories are eager to receive the new authorities contained in this bill, and I urge all of my colleagues to support H.R. 209.

□ 1245

Mr. GORDON. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 209.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMERCIAL SPACE TRANSPORTATION COMPETITIVENESS ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, (H.R. 2607) to promote the development of the commercial space

transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Transportation Competitiveness Act of 2000".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

(2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(3) space transportation may evolve into airplane-style operations;

(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

"§70119. Office of Commercial Space Transportation

"There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

"(1) \$12,607,000 for fiscal year 2001; and

"(2) \$16,478,000 for fiscal year 2002."

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

"70119. Office of Commercial Space Transportation."

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) \$590,000 for fiscal year 2001;

(2) \$608,000 for fiscal year 2002; and

(3) \$626,000 for fiscal year 2003.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act,

the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) *IN GENERAL.*—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking “December 31, 2000” and inserting “December 31, 2004”.

(b) *AMENDMENT OF MODIFIED SECTION.*—If, on the date of enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking “December 31, 2001” and inserting “December 31, 2004”.

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, United States Code, is amended by striking “_____, 19____,” in subsection (e)(1)(A) and inserting “_____, 20____,”.

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

(a) *REPORT REQUIREMENT.*—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

(b) *CONTENTS.*—The report required by this section shall—

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine the appropriateness of deeming all space transportation activities to be “ultrahazardous activities” for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine the effect of relevant international treaties on the Federal Government’s liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

(6) examine the need for changes to the Federal Government’s indemnification policy to accommodate the risks associated with commercial spaceport operations; and

(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) *SECTIONS.*—The report required by this section shall contain sections expressing the views and recommendations of—

(1) interested Federal agencies, including—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense; and

(D) the Office of Space Commercialization; and

(2) the public, received as a result of notice in *Commerce Business Daily*, the *Federal Register*, and appropriate Federal agency Internet websites.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2607.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends launch indemnification to the U.S. commercial launch industry through the end of the year 2004, and authorizes funding for the Offices of Advanced Space Transportation and Space Commerce in the Departments of Transportation and Commerce. This is a bipartisan bill jointly sponsored by the Subcommittee on Space and Aeronautics; the gentleman from California (Mr. ROHRBACHER); the gentleman from Florida (Mr. WELDON); and the ranking minority member, the gentleman from Tennessee (Mr. GORDON).

The Federal Government first decided to indemnify commercial launch companies against catastrophic losses in 1990 as a means of rebuilding a launch industry which was critical for national security. Congress has traditionally reviewed indemnification in 5-year increments. At no cost to the government, the act successfully created a stable business environment that encouraged private firms to invest in improving U.S. space launch capabilities and maintaining their competitiveness with launchers from Europe, Russia, the Ukraine and China. By extending indemnification through 2004, we will eliminate the uncertainty created by 1-year renewals and restore a business environment that helps U.S. launch firms retain their competitiveness.

The House passed this bill last year by an overwhelming margin on suspension of the rules and should do so again now that the Senate has acted. The

Senate has made only minor modifications. I urge all my colleagues to support this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make a few brief comments in support of H.R. 2607. H.R. 2607, the Commercial Space Competitiveness Act of 2000, is a bill that does a number of important things to advance the competitiveness of the Nation’s commercial space transportation industry. First and foremost, the bill extends the commercial space transportation indemnification provisions through 2004. Those indemnification provisions were first enacted in 1988 as part of the Commercial Space Launch Act amendments. They have provided a sensible and highly cost-effective risk-sharing regime that has helped our launch industry compete in world markets. And since their enactment, these provisions have not cost American taxpayers a single dollar in claims.

H.R. 2607 does a number of important things, including authorizing funding for the Department of Transportation’s Office of Commercial Space Transportation and the Department of Commerce’s Office of Space Commercialization. The Office of Commercial Space Transportation in particular has been responsible for licensing U.S. commercial launches and launch facilities, and this legislation recognizes the need to provide the resources needed to carry out its duties.

Before I close, I would like to just express my thanks to my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. ROHRBACHER), the gentleman from Texas (Mr. Hall), Senators MCCAIN, HOLLINGS, FRIST and BREAUX. Without their collective efforts, we would not be considering this bill today.

Mr. Speaker, the House originally passed H.R. 2607 more than a year ago. The version before us today reflects the incorporation of some minor but constructive changes requested by the Senate. I believe this bill is a useful piece of legislation and I urge my colleagues to vote to suspend the rules and pass this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2607.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.